

## REMARKS

Claim 33 has been amended to specify that the prostate cell expresses a protein having the amino acid sequence of SEQ ID NO:2. As shown in Figures 1 and 2 and in the Sequence Listing, SEQ ID NO:2 is the amino acid sequence encoded by SEQ ID NO:3. Thus, cells expressing mRNA corresponding to SEQ ID NO:3 encode a protein having the amino acid sequence of SEQ ID NO:2.

### Objection to claim 72

The Examiner objected to claim 72 as being identical to claim 71. Claim 72 has been amended to recite a probe that comprises at least 1000 nucleotides rather than at least 900 nucleotides. Support for this amendment is found in the specification on page 23 at lines 1-5.

In view of the amendment of claim 72, Applicants respectfully request that the Examiner withdraw this objection.

### Rejections Under 35 U.S.C. §103

The Examiner rejected claims 33, 34 and 59-79 as obvious in view of U.S. Patent No. 6,395,278 taken with U.S. Patent No. 5,968,737 and Sambrook et al.

U.S. 6,395,278 discloses a nucleic acid molecule F1-12 which, according to the Examiner, is 99.9% similar to SEQ NO: 3 over much of the length of SEQ ID NO:3. The Examiner argues that the claimed methods would be obvious because in detecting mRNA corresponding to nucleic acid molecule F1-12 of U.S. Patent No. 6,395,278 using the methods of the secondary references, one would detect mRNA corresponding to SEQ ID NO:3 of the present invention.

Claim 33 has been amended to specify that the method employs prostate cells "encoding a protein having the amino acid sequence of SEQ ID NO:2", i.e., the protein encoded by SEQ ID NO:3. Nothing in the cited references suggest the use of such prostate cells. U.S. Patent No. 6,395,278 at most suggest the use of cells encoding a different protein.

The alignment provided by the Examiner indicates that F1-12 has an "A" where SEQ ID NO:3 has a "G". This means that the GGC sequence in SEQ ID NO:3 encoding a Gly at position 175 of SEQ ID NO:2 is a GAC sequence in F1-12. Since GAC encodes an Asp, at a minimum F1-12 has a non-conservative amino acid substitution compared to SEQ ID NO:2. However, there may well be additional differences. The Examiner's alignment excludes the first 25 nucleotides of SEQ ID NO:3, all of which are coding sequence. Thus, there may well be additional differences between any protein encoded by F1-12 and SEQ ID NO:2. There is nothing in the cited references to suggest using cells encoding a protein having the amino acid sequence of SEQ ID NO:2. Thus, the cited references, no matter how combined, do not teach or suggest the methods of the present claims.

In view of the forgoing, Applicants respectfully request that the rejections under 35 U.S.C. §103 be withdrawn.

Conclusion

Applicants believe that the claims are in condition for allowance. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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